

UNITED STATES DISTRICT COURT
EASTERN DISTRICT OF NEW YORK

JAVIER TAMES, Individually and on behalf of
all others similarly situated,

Plaintiff,

v.

DESARROLLADORA HOMEX, S.A.B. DE
C.V. a/k/a HOMEX DEVELOPMENT CORP.,
GERARDO DE NICOLÁS GUTIÉRREZ, and
CARLOS MOCTEZUMA VELASCO,

Defendants.

Case No. 1:17-cv-01416-ADS-ARL

**SUPPLEMENTAL DECLARATION OF
ADAM M. APTON IN RESPONSE TO
COURT NOTICE (DKT. NO. 19)**

I, ADAM M. APTON, hereby declare that:

1. I am a partner of the law firm Levi & Korsinsky, LLP, attorneys for Lead Plaintiff Jose Acosta and Lead Counsel for the Class in the above-captioned action (the “*Tames* Action”). I am admitted to practice before this Court and have personal knowledge of the various matters set forth herein based on my day-to-day participation in this matter. I submit this Supplemental Declaration in further response to the Court’s Notice, dated March 5, 2020, directing Lead Counsel to show cause why an order should not be entered dismissing the action for failure to prosecute pursuant to Rule 41(b) (Dkt. No. 19) (hereinafter the “Order”).
2. In my Declaration dated March 16, 2020 (Dkt. No. 20), I provided a brief overview of the settlement negotiations in this case and committed to moving for preliminary approval of the proposed settlement by April 15, 2020.
3. On March 17 and 18, 2020, I communicated with counsel for defendant Desarrolladora Homex, S.A.B. de C.V. a/k/a Homex Development Corp. (“Homex”) regarding revisions to the proposed settlement agreement. On April 14, 2020, Homex’s counsel provided a revised draft of the proposed settlement agreement.

4. Accordingly, Plaintiff and Homex respectfully request an additional 30 days to finalize the near-complete proposed settlement agreement.

I declare under the penalty of perjury that the foregoing is true to the best of my knowledge.

Executed this 14th day of April 2020.

s/ Adam M. Apton
Adam M. Apton